

FILED

MAR 07 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RACHEL LEE MEYER, a/k/a JULIET
FRANCES JONES,

Defendant - Appellant.

No. 05-50847

D.C. No. CR-03-01257-02

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Ronald S.W. Lew, District Judge, Presiding

Submitted March 3, 2008**
Pasadena, California

Before: GOODWIN, SCHROEDER, and TALLMAN, Circuit Judges.

Meyer was jointly tried with Joseph Fabricant and they separately appealed.

We reversed Fabricant's convictions due to a Confrontation Clause violation. *See*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

United States v. Fabricant, 240 Fed. App'x 244 (9th Cir. 2007). Meyer raises the same issue on appeal. Under the law of the case doctrine, we are bound by our previous ruling. *See United States v. Schaff*, 948 F.2d 501, 506 (9th Cir. 1991) (“We have previously found the law of the case doctrine to be applicable when the appeal of one co-defendant is decided prior to the appeal of the other co-defendant, if both were convicted at the same trial.”) (citing *United States v. Tierney*, 448 F.2d 37, 39 (9th Cir. 1971)).

Accordingly, we REVERSE Meyer's convictions and VACATE her sentence.